

## REMARKS

Claims 1 and 3-7 are currently pending in this application. The foregoing separate sheets marked as “Listing of Claims” shows all the claims in the application, each with an indication at its first line showing its current status.

Claim 1 is amended for form to delete recital of alternative limitations, claim 7 is amended for form to positively recite limitations that are clearly implicit in the original claim, and claims 3-6 are amended for matters of simple, rote form. All of these amendments simplify issues and/or place the claims in form for allowance, and are therefore well within the guidelines for amendments that are proper under PTO after-final practice.

### **I. Rejection of Claim 7 Under 35 U.S.C. § 102(e)**

The Office Action rejects claim 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,789,252 (“Burke”). Office Action at ¶¶ 5-7. Applicants traverse the rejection and respectfully submit that the Office Action has erred by misreading Burke as teaching subject matter that is not found in that reference, and/or by incorrectly failing to give patentable weight to Applicants’ claim 7 recited limitations.

#### **A. Burke Lacks the Claim 7 Logic Processor Element**

Applicants’ claim 7 recites, among other limitations, a logic processor that checks logical consistency between different documents written in BDML, each document representing a business decision in terms of the decision’s business objectives, constraints, assumptions, data, and underlying model among the different documents, wherein the check for logical consistency includes checking for logical consistency between their respective business objectives, constraints, assumptions, data, and underlying models;

Claim 7 (currently amended), at lines 6-12.

The above-identified element of claim 7 recites “each document representing a business decision in terms of the decision’s business objectives, constraints, assumptions, data, and underlying model.” Burke discloses nothing of the document

defined by Applicants' claim 7. Burke instead, to the extent it can be understood, discloses a universe of XML-based schema for representing business objects. Burke lists a laundry list of such "objects," indeed stating that is invention "may be used to define any object that is to be processed by a computer." Burke at Abstract. Applicants' respectfully respond that such a statement does not define, or disclose each and every species, arrangement, type, and definition of "objects" as that term is used in the computer arts. To assert that Burke does indeed define or disclose all such subject matter necessarily asserts that Burke's patent, *ipso facto*, anticipates each and every invention using, in any arrangement or definition, any XML type representation of anything related to business. That is a preposterous assertion. Burke in fact anticipates only what Burke discloses. And what Burke discloses does not include a "document representing a business decision in terms of the decision's business objectives, constraints, assumptions, data, and underlying model," as recited by Applicants' claim 7.

The Office Action's position is that Burke, at column 20, lines 35-56, and column 21, lines 1-8, discloses "a logic processor that checks logical consistency between different documents written in BDML, in terms of the business objectives, constraints, assumptions, data and underlying model between the different documents. Office Action at p. 3, lines 5-8. Applicants' respectfully respond that the Office Action has misread or misinterpreted the language that it cites in Burke.

Burke at column 20, lines 35-56 recites a "compose" feature that "melds two objects together to create a third object specification referred to as a "composite specification." *Id.*, at lines 35-37. The passage goes on to recite a "'compose' method that applies the clone method to the base specification to instantiate what is to become the 'composite' object." *Id.*, at lines 42-45. Burke continues, by reciting that "[t]he compose method next applies the supplementing object's specification to the newly created composite base object using fill and/or augment rules." *Id.*, at lines 45-47. The passage then continues, by reciting, *inter alia*, an "augment step [that] adds ingrediential objects appearing in the supplementing that do not already exist in the base object specification ... [and with] the fill mode, when a match is found, the values on the target are overridden with the values from the supplement." *Id.*, at lines 47-54.

Burke's above-referenced recital, which is relied upon by the Office Action, discloses nothing of an object representing, as Applicants' claim 7 recites, "business objectives, constraints, assumptions, data and underlying model." Instead, the recital in Burke that the Office Action relies upon discloses "objects" and "specifications." Burke discloses nothing of the claim 7 limitations of "objective," "assumptions," "constraints" or "underlying model."

Burke at column 21, lines 1-8, discloses a "compare" feature that "compares two specifications to show elements on one specification that are different or are not in the other." *Id.* at lines 7-8. The referenced column 21 recital, combined with the above-identified column 20 recital, which is relied upon by the Office Action, does not disclose anything of checking logical consistency of anything; to the extent it can be understood, it discloses only a syntax process for combining and comparing two specifications, which are not disclosed as being "business decisions" as required by claim 7, using what appears to be default rules for overriding differing attributes or filling missing attributes. That is not within the broadest reasonable meaning of the claim 7 limitation of "checking logical consistency" of "documents representing business decisions," and is not within the broadest reasonable meaning of the larger claim 7 limitation of "[wherein the] check for logical consistency includes checking for logical consistency between their respective business objectives, constraints, assumptions, data, and underlying models."

#### **B. Burke Lacks the Claim 7 Knowledge Based Processor Element**

Applicants' claim 7 further recites:

a knowledge-based processor including a knowledge base of business decisions, common choices for their decision support models and commercially available decision support systems, wherein the knowledge-based processor provides suggestions for a set of BDML documents to improve consistency using the knowledge base

Claim 7, as currently amended, at lines 13-17.

The Office Action's position is that Burke at column 23, lines 41-67 and at column 24, lines 15-40, discloses subject matter constituting the claim 7 "knowledge-based processor." Office Action at p. 3, lines 9-14.

Applicants respectfully submit that the Office Action has erred, either by misinterpreting Burke, or by not giving proper patentable weight to the recited limitations of the claim 7 “knowledge-based processor.”

First, Burke at column 23, lines 41-67 recites nothing of the “reusable specification chunks,” whatever that is intended to mean, as representing “business decisions.” Applicants respectfully submit that the word “specification,” without further definition that is not found in Burke, is not within the broadest reasonable meaning of the claim 7 recital of “business decision.”

Second, Burke at column 24, lines 15-40, recites what appears to be methods to “Derive a Specification,” make “Extensions to the Invention’s Base Objects,” make “Extensions to Legacy Objects or Records,” and construct an “Enterprise Explorer and Instance Editor.” Applicants respectfully submit that Burke’s column 24 recital, alone or combined with the column 23 recital, does not disclose a “knowledge base of business decisions,” and does not disclose anything that “provides suggestions for a set of BDML documents to improve consistency of said BDML documents ” which claim 7 defines as representing “business decisions in terms of the business objectives, constraints, assumptions, data and underlying model.”

Applicants respectfully submit that the Burke invention, to the extent it can be understood, has wording similar to certain wordings used in Applicants’ invention and that this may a source of confusion. The goal of Burke’s invention is to provide a method and system for providing an object definition framework that may be used to define objects that are to be processed by a computer. *See* Burke at Abstract.

Applicants’ claim 7 invention is a processor for capturing, as BDML documents, business decisions that occur in business processes, checking for logical consistency in the business decisions, knowledge processor for suggesting improved BDML documents representing improved business decisions.

Applicants therefore respectfully request, for the reasons presented above, that the rejection of claim 7 be reconsidered and withdrawn.

**II. The Rejection of Claims 1 and 3-6 Under 35 U.S.C. § 103.**

The Office Action rejects claims 1 and 3-6 as being unpatentable over Burke in view of U.S. Publication No. 2002/0129345 (“Tilden”). *See* Office Action at pp. 4-6.

Applicants traverse the rejection and respectfully submit that the Office Action has erred by misinterpreting Burke and/or Tilden as teaching subject matter that is not found in said references, and/or by incorrectly failing to give patentable weight to Applicants’ claim 1 (and dependent claims’ 3-6) recited limitations.

Applicants’ claim 1 recites, among other limitations,

capturing in a framework a world view of business decisions that occur in a business process, wherein the world view is defined by business objectives, constraints, assumptions, data, and an underlying model used in the business decision, wherein a BDML (Business Decision Markup Language) is used to implement the framework for specifying the world view of the business decisions; and

using the framework to specify and document each of the business decisions in the complex environment

Claim 1, as currently amended, at lines 4-14.

The Office Action states that: “Burke discloses a … method … [for] capturing in a framework a worldview … of a business decision … wherein a world view is defined by business objectives, constraints … assumptions, data and underlying model.” (citations omitted) Office Action at p. 4, lines 4-10

Applicants respectfully respond that the Office Action’s statement is not supported by Burke. Burke, to the extent it can be understood, provides “an open and extensible object definition framework that manages definitions as specifications … and provides the means for defining any business object needed in a business system regardless of its scope or type.” Burke at column 5, lines 37-41. Burke also purports, at column 6, lines 9-50, to provide a system for defining “any object that is to be processed by a computer,” including “Business and social entities’ Locations including spaces, places and channels; Activity including events and processes; Items including products and services; Business Records, including orders and other forms of demand, inventory, jobs, deliverables, statements, transaction history, et. al.” Burke at column 6, lines 20-29.

Burke's entire invention, to the extent its disclosure can be understood, is about "Business objects" and about how the "object" interacts with other "objects." *See Burke* at column 27, line 11 and at Fig. 4 as to the objects' schema, and see Burke at column 27, lines 57 and 64 regarding "Ingrediential object networking" and "business rules."

The Office Action appears to state that Applicants' claimed business decisions are a type of Burke's business rules that can be part of the business objects handled by Burke's invention. *See* Office Action at p. 4, lines 9-12. Applicants respectfully disagree; Burke's disclosure of "business rules" does not constitute a disclosure of Applicants' claim 1 business decisions in terms of assumptions, constraints and underlying models.

Applicants' respectfully submit that defining objects is irrelevant to Applicants' claim 1. Applicants' claim 1 requires collecting records of business decisions, including the business decision's respective assumptions, constraints, and underlying model. Burke discloses nothing, repeat, nothing, of an object representing a business decision in terms of the decision's respective assumptions, constraints, and underlying model.

Applicants' claim 1 does not require "objects," in the ontological sense that Burke uses "object" representing the subject of the business decision that the BDML document represents. The claimed method can be applied in cases where the business process is entirely manual.

Tilden does not supply the teaching that Burke lacks. Stated differently, the collected teaching of Tilden and Burke lack Applicants' claim 1 limitation of "capturing in a framework a world view of business decisions that occur in a business process, wherein the world view is defined by business objectives, constraints, assumptions, data and an underlying model," and lack Applicants' claim 1 limitation of "using the framework to specify and document each of the business decisions." The combined teachings of Burke and Tilden, in addition to lacking these claim 1 limitations, lack any teaching or suggestion for modifying their respective, or collective, disclosures to achieve Applicants' claim 1.

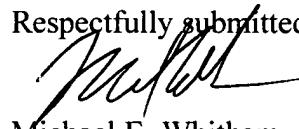
Dependent claims 3-6 are dependent from claim 1 and are therefore combination claims having all of the limitations of claim 1. These dependent claims are therefore patentable over the prior art of record for at least the reasons presented above with respect to their base claim 1.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 and 3-7 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to **IBM's** Deposit Account No. 50-0510.

Respectfully submitted,



Michael E. Whitham  
Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190

Tel. (703) 787-9400  
Fax. (703) 787-7557

Customer No.: 30743